रजिस्ट्री सं. डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 33] नई दिल्ली, शुक्रवार, जुलाई 26, 1985/श्रावण 4, 1907
No 33] NEW DELHI, FRIDAY, JULY 26, 1985/SRAVANA 4, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 26th July, 1985:—

BILL NO. 133 OF 1985

A Bill further to amend the Employment of Children Act, 1938.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Employment of Children (Amendment) Act, 1985.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 4.

26 of 1938.

2. Section 4 of the Employment of Children Act, 1938 shall be re-numbered as sub-section (*3*) thereof and—

(*a*) before sub-section (*3*) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(*1*) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees or with both.

(2) Whoever having been convicted of an offence under section 3 for employing any child or permitting any child to work in contravention of the provisions of section 3 commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years:

Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than six months.";

(b) in sub-section (3) as so re-numbered, clause (a) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Employment of Children Act, 1938 regulates the employment of children in certain industrial employments. Section 3 of the Act prohibits the employment of children under 15 years and the employment, during night time, of children between 15 and 17 years in certain hazardous occupations in Railways and in ports. The section also prohibits the employment of children under 14 years in workshops in which any of the processes mentioned in the Schedule to the Act are carried on.

2. Section 4 of the Act which, *inter alia*, provides for the penalty for contraventions of the said section 3 makes no distinction between first and subsequent offences. Further, the penalty provided by the section is also not deterrent. It is accordingly proposed to provide that a person contravening the provisions of section 3 of the Act shall be punishable, in the case of a first offence, with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees or with both, and in the case of a second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to two years.

3. The Bill seeks to achieve the above objective.

NEW DELHI;
The 16th July, 1985.

T. ANJAIAH.

SUBHASH C. KASHYAP,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1985